

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEPHEN CHARLES SAMFILIPPO,

Petitioner,

v.

Civil No. 2:12-CV-10481

HONORABLE ARTHUR J. TARNOW

UNITED STATES DISTRICT JUDGE

MICHIGAN DEPARTMENT
OF CORRECTIONS,

Respondent,

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On October 2, 2012, the Court denied the petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The Court also denied petitioner a certificate of appealability but granted him leave to appeal *in forma pauperis*. See *Samfilippo v. Michigan Dept. of Corrections*, U.S.D.C. No. 2:12-CV-10481; 2012 WL 4513788 (E.D. Mich. October 2, 2012). Petitioner has now filed a motion for reconsideration. For the reasons that follow, the motion for reconsideration is DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Ward v. Wolfenbarger*, 340 F. Supp. 2d 773, 774 (E.D. Mich. 2004);

Samfilippo v. Michigan Department of Corrections, 2:12-CV-10481
Hence v. Smith, 49 F. Supp. 2d 547, 550-51 (E.D. Mich. 1999). A motion for reconsideration which merely presents “the same issues ruled upon by the Court, either expressly or by reasonable implication,” shall be denied. *Ward*, 340 F. Supp. 2d at 774.

Petitioner’s motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied the petition for writ of habeas corpus and denied petitioner a certificate of appealability. See *Hence v. Smith*, 49 F. Supp. 2d at 553.

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration is **DENIED**.

S/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: November 8, 2012

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on November 8, 2012, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Assistant